

PUBLICATION UPDATE

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California Probate Practice

Publication 15 Release 29

March 2014

HIGHLIGHTS

- *California Probate Practice* is the source for practical, real-life answers to California probate questions.

Probate Code

- This release includes the Probate Code, as amended during the 2013 Legislative Session.

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Release 29 of *California Probate Practice* includes new case law discussing breaking developments in probate.

In Chapter 12, *Claims Against the Estate*, § 12.03 **Exceptions to Claim Requirement** has a new subsection 5 dealing with *Certain Court Orders Not Demanding Payment of Money*.

Chapter 25, *Distribution and Discharge*, has been revised due to a change in law that no longer requires a tax clearance certifi-

cate requirement as a condition to closing probate estates.

Chapter 30, *Will Contests*, includes a revised discussion of undue influence due to the addition of new Welfare and Institutions Code § 15610.70 and new Probate Code § 86, codifying the definition of undue influence.

Other amendments of note include:

- Effective 1/1/14, the legislature revised Probate Code Section 6452, addressing the inheritance of a parent from or through a child on the basis of the parent child relationship (*see* Chapter 23)
- Probate Code Section 859 was amended to add a one way attorney fee provision. Section 859 provides that a person may, in the court's discretion, be liable for reasonable attorney fees and costs, except as otherwise provided by law (*see* Chapter 13)
- Effective 1/1/14, when a petition to appoint a guardian or a temporary guardian is filed, and the petitioner is a professional fiduciary

the petition must include specified additional information, including the petitioner's license information and a statement explaining who engaged the petitioner or how the petitioner was engaged to file the petition for appointment of a conservator and what prior relationship the petitioner had with the proposed conservatee or the proposed conservatee's family or friends (*see* Chapter 1)

- Beginning 1/1/14, there is a new filing fee of \$40 for a request for special notice filed under Probate Code Section 1250 (estates), Probate Code Section 2700 (guardianships and conservatorships), or Probate Code Section 17204 (trusts). This fee would be in addition to any other fee charged for

a paper filed concurrently with a request for special notice (*see* Chapter 3)

- There is now a \$50 fee for each will delivered to the court clerk (*see* Chapter 5)

Release 29 of *California Probate Practice* also includes an updated Main Index.

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Publication 15 Release 29

March 2014

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